

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ISAIAH RANKIN, a single person,

Plaintiff,

V.

THURSTON COUNTY, a governmental entity, by and through THURSTON COUNTY SHERIFF'S OFFICE, a governmental agency; DEVIN BAGBY and JANE DOE BAGBY, a marital community, and JOHN/JANE DOES 1-5.

## Defendants.

**NO. 3:21-cv-5499**

## COMPLAINT FOR PERSONAL INJURY AND DAMAGES

COMES NOW the plaintiff, Isaiah Rankin, by and through his attorney of record, Patrick R. West of West Law Firm, P.S., and hereby alleges against the defendants as follows:

## JURISDICTION AND VENUE

1.1 This action is brought pursuant to 42 U.S.C. § 1983 for violations of the  
Fourth and Fourteenth Amendments to the United States Constitution. The court has  
jurisdiction over this action under 28 U.S.C. §1331 and 1343.

1       1.2   The claims alleged herein arose in Thurston County, Washington.  
2 Therefore, venue in the Western District of Washington at Tacoma is proper pursuant to  
3 28 U.S.C. §1391(b)(2).

## II. PARTIES

2.1 The plaintiff, Isaiah Rankin, at all times pertinent hereto was a resident of Thurston County, Washington, and all acts related to the matter alleged herein occurred in Thurston County, Washington.

2.2 The defendant, Thurston County, was and is a governmental entity and at all times material hereto acted through the Thurston County Sheriff's Office.

2.3 The Thurston County Sheriff's Office employed and trained Devin Bagby, a commissioned deputy. Devin Bagby was a deputy in the Thurston County Sheriff's Office at all times relevant hereto. The acts of misfeasance and malfeasance alleged herein by defendant Bagby were done for and on behalf of himself individually, for and on behalf of his marital community, and for and on behalf of Thurston County and the Thurston County Sheriff's Office.

2.5 Thurston County owned, trained, maintained, utilized, and commissioned a German shepherd K-9 known as "Jaxx" at all times relevant hereto.

2.6 At all times herein, the above named defendants, and each of them, acted within the course and scope of their employment.

2.7 At all times mentioned herein, the defendants, and each of them, acted under color of state law.

### III. FACTS

3.1 At approximately 9:00 p.m. on or about November 27, 2018, Thurston County Sheriff's Deputies responded to a 9-1-1 call at 18619 Old Camp Ln SE in Yelm, WA regarding a domestic violence incident.

3.2 Prior to the deputies' arrival, plaintiff Isaiah Rankin and his long-term girlfriend, Tabitha Lohman - residents at the aforementioned address - were involved in a domestic violence incident that resulted in injury to Ms. Lohman. Isaiah and Tabitha's daughter called 9-1-1 immediately following the incident, but before the police arrived, Isaiah exited the front door of his house and onto his property outside.

3.3 When Thurston County Sheriff Deputies arrived on the scene, Tabitha and her mother advised the deputies, including Deputy Devin Bagby, that Isaiah had left the house through the front door, but that he had just been speaking to them in the living room before the deputies arrived, he was unarmed and not a physical threat. Despite this information, Deputy Bagby made the decision to deploy K-9 Jaxx onto the property to “find” Isaiah. When Tabitha overheard mention of a K-9 being used to find Isaiah, both Tabitha and her mother repeatedly told the deputies that they did not want Isaiah to be bitten by the K-9, and again stated that Isaiah was not armed and not a physical threat. Deputy Bagby assured Tabitha and her mother that Isaiah would not be bitten by the K-9, and that the K-9 was only being used to “find” Isaiah.

3.4 Deputy Bagby then released K-9 "Jaxx" onto Isaiah's property and Jaxx shortly thereafter "found" Isaiah by mauling Isaiah's leg on his own property. During the attack, Isaiah Rankin suffered severe trauma and permanent injuries.

#### **IV. FIRST CAUSE OF ACTION - NEGLIGENCE**

5.1 Plaintiff realleges and hereby incorporates each and every allegation set forth above.

5.2 The Thurston County Sheriff's Office had a duty to protect public safety and the life and physical safety of citizens.

5.3 The defendant Thurston County, acting by and through the Thurston County Sheriff's Office and its officers/deputies in their official capacities, as a matter of policy, custom, or practice, negligently hired, trained, and retained its K-9 units, proximately causing injury to the plaintiff.

5.4 Defendant Devin Bagby, acting within the scope of his employment with Thurston County Sheriff's Office, negligently deployed and utilized K-9 Jaxx, and violated the policies and procedures of the Thurston County Sheriff's Office, and state and federal laws and regulations, proximately causing injury to the plaintiff.

## **V. SECOND CAUSE OF ACTION – CIVIL RIGHTS VIOLATIONS**

6.1 Plaintiff realleges and hereby incorporates each and every allegation set forth above.

6.2 At all times material hereto, defendants were acting under color of state law.

6.3 At all times material hereto, plaintiff had constitutionally protected liberty interests in life, personal security, bodily integrity, being free from harmful physical contact or emotional injury, freedom on travel, and had constitutionally protected rights to equal protection, as well as procedural and substantive due process of law.

1       6.4     The defendant Thurston County, acting by and through the Thurston County  
2 Sheriff's Office and its officers in their official capacities, as a matter of policy, custom,  
3 or practice: a) failed to adequately train its officers in the limits the constitution places  
4 on the use of police dogs, or alternatively, failed to communicate its policy regarding  
5 constitutional use of police dogs to its police officers; b) failed to adequately supervise  
6 its defendant officers with respect to such officers' constitutional deprivations; and c)  
7 failed to address these failures despite being informed of such policy and customs  
8 resulting in multiple innocent citizens being attacked in the same or similar fashion.  
9

10      6.5     K-9 Jaxx continuously bit and held plaintiff Isaiah Rankin on his property  
11 by continuous and repetitive biting and mauling before Deputy Bagby was able to  
12 retake control of Jaxx.

13      6.6     It was the intention of Deputy Bagby that K-9 Jaxx would seize by biting  
14 and holding the plaintiff and he misrepresented his intention to both Tabitha and her  
15 mother in the deployment of Jaxx.

16      6.7     The utilization of bite and hold techniques in the training of K-9 units  
17 constitutes a policy and practice that led to the deprivation of the plaintiff Isaiah  
18 Rankin's civil rights as related herein.

19      6.8     The actions of Deputy Bagby and K-9 Jaxx were reckless and/or made with  
20 deliberate indifference and were unreasonable in nature and constituted use of excessive  
21 force in violation of the 4<sup>th</sup> and 14<sup>th</sup> Amendments of the United State Constitution and  
22 42 U.S.C. §1983.  
23

## VI. DAMAGES

7.1 Plaintiff realleges and hereby incorporates each and every allegation set forth above.

7.2 As a direct and proximate result of defendants' negligence and civil rights violations referenced above, plaintiff incurred past and future medical expenses, past and future income loss, permanent disability, impaired earning capacity, general damages for pain and suffering, loss of enjoyment of life and other damages, all in amounts to be proven at the time of trial.

WHEREFORE, plaintiff prays for judgment against the defendants, and each of them, and their marital community, for damages as alleged, plus costs, and reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and as otherwise authorized by statute or law, and for such other and further relief as the court deems just and proper.

DATED this 10<sup>th</sup> day of July, 2021.

WEST LAW FIRM, P.S.

By:

Patrick R. West, WSBA #41949  
Attorneys for Plaintiff